

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Safety and Enforcement Division

San Francisco, California

Date: August 28, 2014

Resolution No.: TL-19116

RESOLUTION**RESOLUTION SUSPENDING AND REVOKING THE
CHARTER-PARTY CARRIER PERMIT OF DAN LIVIU IONESCU
DBA PREMIER TRANSPORTATION (TCP 11395 P) PURSUANT
TO PUBLIC UTILITIES CODE SECTION 53789(a)(3)****SUMMARY**

Public Utilities Code Section 5378(a)(3) states that the Commission may cancel, revoke, or suspend any operating permit or certificate issued pursuant to this chapter upon certain grounds; one of which includes the conviction of the charter-party carrier or its officers of a felony while holding operating authority issued by the Commission, limited to robbery, burglary, larceny, fraud, or intentional dishonesty for personal gain. Dan Liviu Ionescu (“Ionescu”), an individual doing business as (dba) Premier Transportation was convicted on February 14, 2013, of California Penal Code Sections 484g and 530.5(a). This latest occurrence was the third time Ionescu had been convicted of felony violations.

BACKGROUND

On January 5, 2012, the Safety and Enforcement Division’s (“SED”) (then Consumer Protection and Safety Division) Consumer Intake Unit received a complaint from a consumer alleging that Ionescu had fraudulently charged more than \$15,000 in goods and services to her credit card without her knowledge or authorization. As this matter was outside the scope of the Commission’s jurisdiction, SED decided that the criminal matter should take its course through the legal system. Instead, SED initiated an investigation into Ionescu’s operation as a charter-party carrier of passengers. In the course of the investigation, SED staff identified several violations of the Commission’s codes and General Orders. Accordingly, SED levied a citation against Ionescu in the amount of \$1,500 on December 10, 2012. Ionescu paid the citation in full as of June 11, 2013.

SED’s search of the Case Tracker Transportation Enforcement Database revealed that Ionescu had previously been cited \$5,000 in May of 2003. The basis for the citation was that Ionescu continued to operate as a charter-party carrier of passengers after the CPUC

revoked his permit on July 2, 2002, for failure to maintain evidence of personal liability and property damage insurance on file with the Commission.

Court records obtained from the Superior Court, County of Contra Costa, filed under Docket No. 3-209579-2, Department 30, show that on October 9, 2003, Ionescu was convicted of three (3) counts of insurance fraud for presenting false statement in violation of:

Penal Code ("PC") 550(b)(1) - (b) It is unlawful to do, or to knowingly assist or conspire with any person to do, any of the following:

- (1) Present or cause to be presented any written or oral statement as part of, or in support of or opposition to, a claim for payment or other benefit pursuant to an insurance policy, knowing that the statement contains any false or misleading information concerning any material fact.

Ionescu received a prison sentence of 210 days and was granted probation for a period of three (3) years from the date of the order.

Court records obtained from the same court, filed under Docket No. 158181-8, Department 170, shows Ionescu was convicted on February 14, 2013, of the following offenses and violations of:

- 1) PC 484(g) - Every person who, with the intent to defraud, (a) uses, for the purpose of obtaining money, goods, services, or anything else of value, an access card or access card account information that has been altered, obtained, or retained in violation of Section 484e or 484f, or an access card which he or she knows is forged, expired, or revoked, or (b) obtains money, goods, services, or anything else of value by representing without the consent of the cardholder that he or she is the holder of an access card and the card has not in fact been issued, is guilty of theft. If the value of all money, goods, services, and other things of value obtained in violation of this section exceeds nine hundred fifty dollars (\$950) in any consecutive six-month period, then the same shall constitute grand theft; and
- 2) PC 530.5(a) - Every person who willfully obtains personal identifying information, as defined in subdivision (b) of Section 530.55, of another person, and uses that information for any unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services, real property, or medical information without the consent of that person, is guilty of a public offense, and upon conviction therefor, shall be punished by a fine, by imprisonment in a county jail not to exceed one year, or by both

a fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170.

Ionescu received a prison sentence of 210 days and again was granted probation for a period of three (3) years from the date of the order.

Court records from the same court further show under Docket No. 01-141641-1 that on July 8, 2009, Ionescu was convicted of Grand Theft for violation of PC § 487. Grand theft is theft committed in any of the following cases:

- (a) When the money, labor, or real or personal property taken is of a value exceeding nine hundred fifty dollars (\$950), except as provided in subdivision (b).

On this occasion, Ionescu was given a prison sentence of 20 days and granted probation for a period of three (3) years from the date of the order.

DISCUSSION

The Commission cannot ensure that a charter-party carrier will not engage in unlawful activities after it is issued a permit or certificate. However, the Commission is empowered to cancel, suspend, or revoke operating authority if licensed carriers are convicted of specified crimes after becoming licensed. The Commission is empowered to cancel, suspend, or revoke the permit or certificate of a carrier, without prior notice or opportunity to be heard in a formal evidentiary hearing, upon a misdemeanor conviction under Division 2, Chapter 8, of the Public Utilities ("Pub. Util.") Code or the conviction of certain categories of felonies. Pub. Util. Code § 5378(a) reads, in part: "The commission may cancel, revoke, or suspend any operating permit or certificate issued pursuant to this chapter upon any of the following grounds: (3) The conviction of the charter-party carrier of passengers of any misdemeanor under this chapter while holding operating authority issued by the commission or the conviction of the carrier or its officers of a felony while holding operating authority issued by the commission, limited to robbery, burglary, larceny fraud, or intentional dishonesty for personal gain."

COMMENTS ON DRAFT RESOLUTION

The Draft Resolution of the Commission's Legal Division in this matter was mailed to the parties in interest on July 29, 2014, in accordance with Cal. Pub. Util. Code § 311(g). No comments were received.

FINDINGS OF FACT

1. Court records obtained from the Superior Court, County of Contra Costa, filed under Docket No. 3-209579-2, Department 30, show that on October 9, 2003, Ionescu was convicted of three (3) counts of insurance fraud presenting false statements in of violation of P.C. 550(b)(1).
2. SED opened an investigation into Ionescu's operations on January, 28, 2003 which resulted in a \$5,000 citation (F-5119) issued on May 7, 2003 for operating during April 3, 2002 through February 25, 2003 while his authority was suspended and revoked, in violation of Pub. Util. Code § 5379, and for failing to have on file and in effect during the same period the required public liability and property damage ("PLPD") insurance coverage, in violation of Pub. Util. Code § 5391 and General Order ("G.O.") 115-F.
3. Court records obtained from the Superior Court, County of Contra Costa, filed under Docket No. 158181-8, Department 170, shows that on February 14, 2013, Ionescu was convicted of felony charges for violation of P.C. 484(g) and 530.5(a).
4. SED opened another investigation into Ionescu's operations on January 25, 2012 which resulted in a \$1,500 citation (FC-533) issued on December 10, 2012, for the following violations during the period January 1, 2012 through April 30, 2012:
 - a) Operating as a charter party carrier after expiration of his authority, in violation of Pub. Util. Code § 5379;
 - b) Underreporting gross revenue and underpaid Public Utilities Commission Transportation Reimbursement Account ("PUCTRA") fees, in violation of Pub. Util. Code section 5378(a)(9);
 - c) Failing to maintain a current equipment list with the Commission, in violation of Pub. Util. Code § 5381 and G.O. 157-0, Part 4.01;
 - d) Failing to provide access to records and vehicles, in violation of Pub. Util. Code § 5389 and 5381 and G.O. 157-D, Part 6.01; and
 - e) Failing to include the required information on the waybills, in violation of Pub. Util. Code § 5381 and G.O. 157-D, Part 3.01.
5. Court records from the same court further show under Docket No. 01-141641-1 that on July 8, 2009, Ionescu was convicted of a felony for violation of PC 487(a).

ORDER

1. The charter-party carrier permit issued to Dan Liviu Ionescu dba Premier Transportation is suspended effective the date of this order and then shall be revoked thirty days (30) after the date of suspension.
2. The effective date of this order is today.
3. I certify that this Resolution was adopted by the California Public Utilities Commission at its regular meeting of August 28, 2014, and that the following Commissioners approved it:

PAUL CLANON
Executive Director